

**NOTICE OF INTENT**  
**Board of Elementary and Secondary Education**

Part I. BESE/8(g) Operations  
(LAC 28:I.1313 and 1315.)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:I. *BESE/8(g) Operations*. The revisions codify procedures for compliance with Act 420, R.S. 17:4035.1 of the 2021 Regular Legislative Session. This statute requires each local education agency (LEA) to adopt a policy governing student transfers, post such policy on the LEA website, and to annually report compliance to the LDE Office of School System Relations. Further, this statute requires BESE to consider appeal requests from student transfer request denials. The revisions promulgate rules regarding the process and procedures for submitting an appeal to BESE.

**Title 28**

**EDUCATION**

**Part I. BESE/8(g) Operations**

**Subpart 1. Board of Elementary and Secondary Education**

**Chapter 13. Regulatory Documents**

**Subchapter C. Student Transfer Appeals**

**§1313. Local Education Agency (LEA) Student Transfer Appeals**

A. In accordance with R.S. 17:4035.1, if an LEA denies the student enrollment request of a prospective student for an intradistrict transfer, the parent or legal custodian of the student may request that BESE review the denied transfer request.

B. Requests for appeal shall be submitted by the parent or legal guardian, by certified, and addressed to:

Board of Elementary and Secondary Education  
Attn: Operating Manager  
P.O. Box 94064, Capital Station  
Baton Rouge, LA 70804

C. A copy of the form to request an appeal can be obtained:

1. from BESE's website;
2. by requesting a copy sent through the U.S. Mail; or
3. by means of facsimile.

D. Forms will be accepted annually, beginning April 1 and no later than July 31, unless the LEA transfer period extends beyond the deadline established in statute, and shall be accompanied by a copy of the LEA student transfer denial letter.

E. BESE will not consider a student transfer appeal in the following instances:

1. The student transfer request would result in the school or classroom exceeding enrollment capacity;
2. The student transfer request is submitted outside of the deadlines, outlined by the LEA policy regarding student transfer;
3. The student transfer request is not eligible based on the LEA transfer policy; or
4. The student transfer request violates the order of a court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

**§1315. Processing a Student Transfer Form**

A. Upon receipt, the LEA student transfer request shall be reviewed for completeness. If found complete, the BESE agency will immediately forward a letter of acknowledgment and the appeal shall be processed in accordance with this Section.

B. Within 90 days of receipt of the student transfer appeal request, the executive director, after consulting with the board's officers, shall review and evaluate the request to determine if the original LEA transfer request was processed in accordance with school and/or district policy, as well as determine a recommendation for consideration of the board at the next scheduled meeting of BESE.

C. In the event that the executive director, after consulting with the board officers, can process the transfer request administratively, a report will be provided to the board at the next scheduled meeting.

D. BESE shall notify the petitioner in writing, stating the reason(s) for the denial,

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

## COMPARISON DOCUMENT

Title 28

### EDUCATION

#### Part I. BESE/8(g) Operations

##### Subpart 1. Board of Elementary and Secondary Education

##### Chapter 13. Regulatory Documents

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

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D. BESE shall notify the petitioner in writing, stating the reason(s) for the denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person  
Preparing  
Statement: Ashley Townsend Dept.: LA Department of Education  
Board of Elementary &  
Secondary Education

Phone: (225) 342-3446 Office: Policy

Return  
Address: P. O. Box 94064 Rule  
Baton Rouge, LA Title: Part I, BESE/8(g) Operations  
(LAC 28:1.1313 and 1315)

Date Rule  
Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions may result in increased state costs to the Board of Elementary and Secondary Education (BESE) for increased workload to process requests for review. However, this will vary depending on the number of parents requesting review of a transfer denial. If transfer request denials are few enough in number, BESE will likely be able to incorporate the increased workload with existing staff and resources. However, if the number of requests is significant, BESE will need to add one position to process reviews for an estimated cost of \$75,000 (including \$49,400 salary and \$25,600 related benefits), as well as ancillary operating costs.

The proposed revisions codify the procedure for submission of an appeal for BESE consideration regarding a student transfer request denial from an LEA. These revisions are in response to Act 420 of the 2021 Regular Legislative Session.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

DocuSigned by:  
Beth Scioneaux  
Signature of Agency Head or Designee

Evan Brasny, Interim Deputy  
Legislative Fiscal Officer or Designee  
*Fiscal Officer*

Beth Scioneaux, Deputy Superintendent for Management and Finance  
Typed Name and Title of Agency Head or Designee

5/6/2022  
Date of Signature

5/9/22  
Date of Signature

LFO 10/04

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed revisions codify procedures for compliance with Act 420, R.S. 17:4035.1 of the 2021 Regular Legislative Session. This statute requires each local education agency (LEA) to adopt a policy governing student transfers, post such policy on the LEA website, and to annually report compliance to the LDE Office of School System Relations. Further, this statute requires BESE to consider appeal requests from student transfer request denials. The revisions promulgate rules regarding the process and procedures for submitting an appeal to BESE.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The Board of Elementary and Secondary Education, in conjunction with the Louisiana Department of Education, initiated these revisions to promulgate rules in response to Act 420, R.S. 17:4036.1, of the 2021 Regular Legislative Session, regarding student transfer request appeals.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed revisions may result in increased state costs to the Board of Elementary and Secondary Education (BESE) for increased workload to process requests for review. However, this will vary depending on the number of parents requesting review of a transfer denial. If transfer request denials are few enough in number, BESE will likely be able to incorporate the increased workload with existing staff and resources. However, if the number of requests is significant, BESE will need to add one position to process reviews for an estimated cost of \$75,000 (including \$49,400 salary and \$25,600 related benefits), as well as ancillary operating costs.

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a)  Yes. If yes, attach documentation.

(b)  NO. If no, provide justification as to why this rule change should be published at this time.

The proposed revisions are in response to Act 420 of the 2021 Regular Legislative Session.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed revisions will have no effect on costs or savings to state agencies.

COSTS	FY21-22	FY22-23	FY23-24
PERSONAL SERVICES	UNKNOWN	UNKNOWN	UNKNOWN
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed revisions may result in increased state costs to the Board of Elementary and Secondary Education (BESE) for increased workload to process requests for review. However, this will vary depending on the number of parents requesting review of a transfer denial. If transfer request denials are few enough in number, BESE will likely be able to incorporate the increased workload with existing staff and resources. However, if the number of requests is significant, BESE will need to add one position to process reviews for an estimated cost of \$75,000 (including \$49,400 salary and \$25,600 related benefits), as well as ancillary operating costs.

The proposed revisions codify the procedure for submission of an appeal for BESE consideration regarding a student transfer request denial from an LEA. These revisions are in response to Act 420 of the 2021 Regular Legislative Session.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY21-22	FY22-23	FY23-24
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)			
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

N/A

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed revisions will not result in costs or savings to local governmental units.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

The proposed revisions will not impact sources of funding of local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

REVENUE INCREASE/DECREASE	FY21-22	FY22-23	FY23-24
STATE GENERAL FUND			
AGENCY SELF GENERATED			
RESTRICTED FUNDS			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL			

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

N/A

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

N/A

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed revisions will not have an effect on competition and employment.




STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
FAMILY IMPACT STATEMENT  
(LA R.S. 49:953 and 972)

**Person Preparing Statement:** Ashley Townsend  
**Phone:** 225-342-3446  
**Division:** Policy Office  
**Rule Title:** Part I. BESE/8(g) Operations (LAC 28:I.1313 and 1315).

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?  
 No  
 Yes  
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?  
 No  
 Yes  
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 4/14/2022

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
POVERTY IMPACT STATEMENT  
(LA R.S. 49:973)

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Policy Office

Rule Title: Part I. BESE/8(g) Operations (LAC 28:1.1313 and 1315).

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No  
 Yes  
 Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No  
 Yes  
 Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?


- No  
 Yes  
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No  
 Yes  
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No  
 Yes  
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 04/14/2022

**Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, June 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director